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H. R. 6523

IN THE SENATE OF THE UNITED STATES

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AN ACT

To authorize appropriations for fiscal year 2011 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

1 “(3) No person may be hired under the authority of
 2 this subsection after the end of the 2-year period begin-
 3 ning on the date of the enactment of this subsection.”.

4 (b) EXCEPTION FROM PERMANENT LIMITATION ON
 5 NUMBER OF NON-DUAL STATUS TECHNICIANS.—Sub-
 6 section (c) of such section is amended by adding at the
 7 end the following new paragraph:

8 “(3) An individual employed as a non-dual status
 9 technician as described in subsection (a)(3) shall not be
 10 consider a non-dual status technician for purposes of para-
 11 graphs (1) and (2).”.

12 **SEC. 514. REVISION OF STRUCTURE AND FUNCTIONS OF**
 13 **THE RESERVE FORCES POLICY BOARD.**

14 (a) REVISION OF STRUCTURE.—

15 (1) IN GENERAL.—Section 10301 of title 10,
 16 United States Code, is amended to read as follows:

17 **“§ 10301. Reserve Forces Policy Board**

18 “(a) IN GENERAL.—As provided in section 175 of
 19 this title, there is in the Office of the Secretary of Defense
 20 a board known as the ‘Reserve Forces Policy Board’ (in
 21 this section referred to as the ‘Board’).

22 “(b) FUNCTIONS.—The Board shall serve as an inde-
 23 pendent adviser to the Secretary of Defense to provide ad-
 24 vice and recommendations to the Secretary on strategies,
 25 policies, and practices designed to improve and enhance

officer allocation (sec. 511)

The House bill contained a provision (sec. 513) that would amend section 12004 of title 10, United States Code, by removing the statutory distribution limits on Navy Reserve flag officers.

The Senate committee-reported bill contained no similar provision.

The agreement includes the House provision.

Assignment of Air Force Reserve military technicians (dual status) to positions outside Air Force Reserve unit program (sec. 512)

The House bill contained a provision (sec. 514) that would amend section 10216 of title 10, United States Code, to authorize up to 50 Air Force Reserve technicians to be assigned outside of the unit program.

The Senate committee-reported bill contained a similar provision (sec. 523).

The agreement includes the House provision.

Temporary authority for temporary employment of non-dual status military technicians (sec. 513)

The House bill contained a provision (sec. 515) that would amend section 10217 of title 10, United States Code, to authorize the Secretary of the Army or the Secretary of the Air Force to employ, for a period of up to 2 years, a non-dual status technician to backfill a mobilized dual status technician. The authority would expire 2 years after the date of enactment of this Act.

The Senate committee-reported bill contained a similar provision (sec. 524).

The agreement includes the House provision with an amendment that clarifies that non-dual status technicians hired under this authority do not count against the permanent limitations on the number of non-dual status technicians contained in section 10217 of title 10, United States Code.

Revision of structure and functions of the Reserve Forces Policy Board (sec. 514)

The House bill contained a provision (sec. 516) that would amend section 10301 of title 10, United States Code, to revise the membership and operating framework of the Reserve Forces Policy Board.

The Senate committee-reported bill contained a similar provision (sec. 903).

The agreement includes the Senate provision with an amendment that would strike the paragraph specifying employee status and compensation and the requirement for the Secretary of Defense to certify an effective date.

Repeal of requirement for new oath when officers transfer from active-duty list to reserve active-status list (sec. 515)

The Senate committee-reported bill contained a provision (sec. 521) that would amend section 12201 of title 10, United States Code, to repeal the requirement that an officer who transfers from the active component to the reserve component execute a new oath of office.

The House bill contained no similar provision.

The agreement includes the Senate provision with a clarifying amendment.

Leave of members of the reserve components of the armed forces (sec. 516)

The Senate committee-reported bill contained a provision (sec. 556) that would amend section 701 of title 10, United States Code, to authorize reserve component members to carry over leave accumulated during periods of active service without regard to separation or release from active service, subject to the leave carryover limits contained elsewhere in that section. The provision would also amend section 501 of title 37, United States Code, to allow reserve component members to sell leave accumulated and carried over under this authority in the event they separate or retire from their reserve component.

The House bill contained no similar provision.

The agreement includes the Senate provision with a clarifying amendment.

Direct appointment of graduates of the United States Merchant Marine Academy into the National Guard (sec. 517)

The Senate committee-reported bill contained a provision (sec. 525) that would amend section 305 of title 32, United States Code, to authorize federal recognition of graduates of the United States Merchant Marine Academy as commissioned officers of the National Guard.

The House bill contained no similar provision.

The agreement includes the Senate provision.

1 the capabilities, efficiency, and effectiveness of the reserve
2 components.

3 “(c) MEMBERSHIP.—The Board consists of 20 mem-
4 bers, appointed or designated as follows:

5 “(1) A civilian appointed by the Secretary of
6 Defense from among persons determined by the Sec-
7 retary to have the knowledge of, and experience in,
8 policy matters relevant to national security and re-
9 serve component matters necessary to carry out the
10 duties of chair of the Board, who shall serve as chair
11 of the Board.

12 “(2) Two active or retired reserve officers or
13 enlisted members designated by the Secretary of De-
14 fense upon the recommendation of the Secretary of
15 the Army—

16 “(A) one of whom shall be a member of
17 the Army National Guard of the United States
18 or a former member of the Army National
19 Guard of the United States in the Retired Re-
20 serve; and

21 “(B) one of whom shall be a member or re-
22 tired member of the Army Reserve.

23 “(3) Two active or retired reserve officers or
24 enlisted members designated by the Secretary of De-

1 fense upon the recommendation of the Secretary of
2 the Navy—

3 “(A) one of whom shall be an active or re-
4 tired officer of the Navy Reserve; and

5 “(B) one of whom shall be an active or re-
6 tired officer of the Marine Corps Reserve.

7 “(4) Two active or retired reserve officers or
8 enlisted members designated by the Secretary of De-
9 fense upon the recommendation of the Secretary of
10 the Air Force—

11 “(A) one of whom shall be a member of
12 the Air National Guard of the United States or
13 a former member of the Air National Guard of
14 the United States in the Retired Reserve; and

15 “(B) one of whom shall be a member or re-
16 tired member of the Air Force Reserve.

17 “(5) One active or retired reserve officer or en-
18 listed member of the Coast Guard designated by the
19 Secretary of Homeland Security.

20 “(6) Ten persons appointed or designated by
21 the Secretary of Defense, each of whom shall be a
22 United States citizen having significant knowledge of
23 and experience in policy matters relevant to national
24 security and reserve component matters and shall be
25 one of the following:

1 “(A) An individual not employed in any
2 Federal or State department or agency.

3 “(B) An individual employed by a Federal
4 or State department or agency.

5 “(C) An officer of a regular component of
6 the armed forces on active duty, or an officer
7 of a reserve component of the armed forces in
8 an active status, who—

9 “(i) is serving or has served in a sen-
10 ior position on the Joint Staff, the head-
11 quarters staff of a combatant command, or
12 the headquarters staff of an armed force;
13 and

14 “(ii) has experience in joint profes-
15 sional military education, joint qualifica-
16 tion, and joint operations matters.

17 “(7) A reserve officer of the Army, Navy, Air
18 Force, or Marine Corps who is a general or flag offi-
19 cer recommended by the chair and designated by the
20 Secretary of Defense, who shall serve without vote—

21 “(A) as military adviser to the chair;

22 “(B) as military executive officer of the
23 Board; and

24 “(C) as supervisor of the operations and
25 staff of the Board.

1 “(8) A senior enlisted member of a reserve com-
2 ponent recommended by the chair and designated by
3 the Secretary of Defense, who shall serve without
4 vote as enlisted military adviser to the chair.

5 “(d) MATTERS TO BE ACTED ON.—The Board may
6 act on those matters referred to it by the chair and on
7 any matter raised by a member of the Board or the Sec-
8 retary of Defense.

9 “(e) STAFF.—The Board shall be supported by a
10 staff consisting of one full-time officer from each of the
11 reserve components listed in paragraphs (1) through (6)
12 of section 10101 of this title who holds the grade of colonel
13 (or in the case of the Navy, the grade of captain) or who
14 has been selected for promotion to that grade. These offi-
15 cers shall also serve as liaisons between their respective
16 components and the Board. They shall perform their staff
17 and liaison duties under the supervision of the military
18 executive officer of the Board in an independent manner
19 reflecting the independent nature of the Board.

20 “(f) RELATIONSHIP TO SERVICE RESERVE POLICY
21 COMMITTEES AND BOARDS.—This section does not affect
22 the committees and boards prescribed within the military
23 departments by sections 10302 through 10305 of this
24 title, and a member of such a committee or board may,
25 if otherwise eligible, be a member of the Board.”.

1 (2) EFFECTIVE DATE.—The amendment made
2 by paragraph (1) shall take effect on July 1, 2011.

3 (b) REVISION TO ANNUAL REPORT REQUIREMENT.—
4 Section 113(c)(2) of title 10, United States Code, is
5 amended by striking “the reserve programs of the Depart-
6 ment of Defense and on any other matters” and inserting
7 “on any reserve component matter”.

8 **SEC. 515. REPEAL OF REQUIREMENT FOR NEW OATH WHEN**
9 **OFFICER TRANSFERS FROM ACTIVE-DUTY**
10 **LIST TO RESERVE ACTIVE-STATUS LIST.**

11 Section 12201(a)(2) of title 10, United States Code,
12 is amended by striking “An officer transferred from the
13 active-duty list of an armed force to a reserve active-status
14 list of an armed force under section 647 of this title” and
15 inserting “If an officer is transferred from the active-duty
16 list of an armed force to a reserve active-status list of an
17 armed force in accordance with regulations prescribed by
18 the Secretary of Defense, the officer”.

19 **SEC. 516. LEAVE OF MEMBERS OF THE RESERVE COMPO-**
20 **NENTS OF THE ARMED FORCES.**

21 (a) CARRYOVER OF ACCUMULATED LEAVE TO SUC-
22 CEEDING PERIOD OF ACTIVE SERVICE.—Section 701 of
23 title 10, United States Code, is amended by adding at the
24 end the following new subsection: